D. REMARKS

Claims 1, 2, 4, 5, 9, 11, 12, 13, 15, 16, and 17 remain pending.

The Specification has been amended herein to correct typographical errors by changing "send" to "sent", page 16, line 1 and "sent" to "send" line 13; and ", with merchant B" has been deleted at page 15, line 28. No new matter has been added with this amendment.

The examiner has objected to claim 12 because it should depend from claim 9, not claim 10. This amendment to claim 12 has been made herein.

The examiner has rejected claims 1-2, 4-5, 9, 11-13, and 15-17 under 35 USC 102(a) as being anticipated by Japan Patent No 11-154176 to Okada. Okada discloses a basket manager 403 that performs purchasing/cancellation processing requests to stores, across multiple web servers, and updates applicable data in a database. Although Okada utilizes the term "purchasing/cancellation", there appears to be no teaching or otherwise suggestion that this is part of a conditional purchase request as claimed by Applicant's claimed invention. It appears Okada is referring to *either* purchasing *or* cancellation as separate processes when the term "purchasing/cancellation" is utilized as evident by the use of the term "*or*" in claim 1 and claim 2, and as evident by the separate cancellation description at [0052-0059].

Okada appears to teach away from Applicant's claimed invention at [005] by specifically stating that goods are canceled if they were not the goods that were purchased. The invention in Okada is merely that a basket manager will manage the purchase from

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each web site and then the canceling of goods from each web site, without the client

having to go repeatedly to each site to do that (see [0007, 0008, 0011]. In Okada, first

goods are purchased, then the remaining goods are canceled. In Applicant's claimed

invention, the goods are put in a conditional state, and only bought if other goods can

indeed be canceled.

Although Okada discloses a state ([0015]), the state is merely one of putting goods

in a basket and it is not a committed transaction as stated "state which does not carry out

settlement of accounts yet." Okada also teaches a state corresponding to the state of

purchasing or canceling goods in the basket ([0016]). Okada also suggests states of

purchase, cancel, and a state of suspend (hold) which indicates that the goods are reserved

(or in the basket) as indicated at [0047]. Okada does not teach or suggest a state that

indicates that a buyer desires to purchase an item from a first merchant if a previous

committed transaction which bought another previous item from a second merchant can be

canceled, as in Applicant's claimed invention.

Although Okada teaches that purchasing or cancellation can be performed

collectively, there is no teaching or suggestion that any purchasing is, or can be,

conditional on cancellation. In addition, what is being cancelled appears to be only a

reservation for the goods, e.g., goods placed in the basket but not yet bought, which would

not be a "committed" transaction, as in Applicant's claimed invention.

Furthermore, it should be noted that although Okada teaches that the basket

manger contacts multiple web sites for purchasing or canceling goods, Okada does not

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teach, or suggest, that one merchant contacts another merchant to cancel a previous committed transaction, as in Applicant's claimed invention.

Applicant has reviewed the examiner's rejection with respect to each of the claims and has reviewed Okada in detail. The above discussion overcomes the examiner's rejections with respect to all of the claims. Okada does not teach or suggest any one of the following claim elements; any one or more of which can be found in each of the independent claims:

"selecting one of the displayed separate representations to have a selectable associated state that indicates that the buyer desires to purchase a desired item from the first merchant if a given previously committed transaction which bought another previous item from the second merchant can be canceled;" or

"in response to selecting, i) making an identification of the second merchant and the previous item, ii) sending an electronic communication to the second merchant from the first merchant to cancel the previous committed transaction; and iii) if a confirmation is received indicating that the previous committed transaction was canceled by the second merchant, automatically changing the state of the first item to a state different from the conditional state, wherein further transaction processing to purchase the first item is dependent upon the changed state as a result of a successful cancellation transaction of the previous item carried out by the first merchant on behalf of the buyer as initiated by the buyer by selecting the conditional state in association with the first item;" or

"selecting, by the buyer, one of the displayed separate representations to have a selectable associated state that indicates that the

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buyer desires to purchase a desired item if a previous committed transaction which bought another item from another merchant can be canceled;" or

"executing a selection, by the buyer, of a desired item from a certain merchant causing one of the displayed separate representations to have a selectable associated state that indicates that the buyer desires to purchase the desired item if a given previously committed transaction which bought another item from another merchant can be canceled;" or

"iv) in response to selecting, a) making an identification of the second merchant and the previous item; b) if a confirmation is received indicating that the previous committed transaction was canceled by the second merchant, automatically changing the state of the first item to a state different from the conditional state, wherein further transaction processing to purchase the first item is dependent upon the changed state as a result of a successful cancellation transaction of the previous item as initiated by the buyer by selecting the conditional state in association with the first item;" or

"in response to associating a conditional state selected by the buyer with a displayed first item, wherein the selected conditional state is indicative of the buyer desiring to purchase the first item from a first merchant if a previous committed transaction which bought a previous item from a second merchant can be canceled:

i) receiving an identification of the previous item and the second merchant;

ii) sending an electronic communication to the second merchant from the first merchant to cancel the previous committed transaction; and

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iii) if a confirmation is received indicating that the previous committed transaction was canceled by the second merchant, automatically changing the state of the first item to a state different from the conditional state, wherein further transaction processing to purchase the first item is dependent upon the changed state as a result of a successful cancellation transaction of the previous item carried out by the first merchant on behalf of the buyer as initiated by the buyer by selecting the conditional state in association with the first item."

As such, since Okada does not teach certain elements in each of the independent claims, the claimed invention is not unpatentable under 35 USC 102(a).

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

A request for a telephone interview with the Examiner is included herewith.

Respectfully submitted,

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